

# Exhibit 1

**Subject:** RE: VirtaMove v. HPE: Meet and Confer re. Motion to Transfer  
**Date:** Monday, October 14, 2024 at 9:23:08 AM Central Daylight Time  
**From:** Muenks, Melissa  
**To:** Peter Tong, rak\_virtamove@raklaw.com  
**CC:** DL HPE-VirtaMove, EXT Doan, Jennifer (Amazon), EXT Thane, Josh (Amazon)

Hi Peter,

Thank you for your email. We are disappointed we did not get a firm proposal from you. As you are surely aware, a proposal contingent on every piece of evidence we will present at trial--before a single deposition has occurred and before VirtaMove has made disclosures it is required to make--is not practical or realistic; even the DCO and procedures in place contemplate numerous case narrowing stages and limitations on exhibits. Accordingly, we understand you oppose our motion, so we will plan to file that today.

Regards,  
Melissa

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**From:** Peter Tong <[ptong@raklaw.com](mailto:ptong@raklaw.com)>  
**Sent:** Friday, October 11, 2024 6:13 PM  
**To:** Muenks, Melissa <[Melissa.Muenks@BakerBotts.com](mailto:Melissa.Muenks@BakerBotts.com)>; [rak\\_virtamove@raklaw.com](mailto:rak_virtamove@raklaw.com)  
**Cc:** DL HPE-VirtaMove <[DL\\_HPE-VirtaMove@BakerBotts.com](mailto:DL_HPE-VirtaMove@BakerBotts.com)>; EXT Doan, Jennifer (Amazon) <[jdoan@haltomdoan.com](mailto:jdoan@haltomdoan.com)>; EXT Thane, Josh (Amazon) <[jthane@haltomdoan.com](mailto:jthane@haltomdoan.com)>  
**Subject:** Re: VirtaMove v. HPE: Meet and Confer re. Motion to Transfer

[EXTERNAL EMAIL]

HPE team,

Thank you for meeting and conferring today. Here is a proposal for how we should proceed with the rest of this meet-and-confer process:

First, in order for VirtaMove to provide a concrete proposal, VirtaMove is still requesting that HPE identify the witnesses and evidence that it will assert at trial, as well as the locations of the evidence and witnesses. Only then can VirtaMove evaluate the merits of any transfer motion and articulate a concrete offer (or reject it completely). This should not be burdensome to HPE, as HPE should be preparing to identify this information in its transfer motion (especially if HPE is ready to file on Monday). Although we did not get into this during our meet and confer, it appears that based on the email correspondence below, the parties are in agreement that discovery issues are preventing HPE from compiling its final lists.

Second, after VirtaMove receives the HPE's evidence list and witness list, VirtaMove will propose (if warranted) an offer to stipulate to transfer in exchange for HPE's commitment that the relevant evidence/witnesses identified by HPE in support of its transfer position will be the only witnesses/evidence that HPE presents at trial, with the possibility of HPE also being allowed to present other evidence/witnesses from locations closer to the NDCA, but witnesses/evidence from locations closer to the EDTX. This commitment necessary to avoid HPE transferring the case to the

NDCA for convenience, only to later decide HPE wants to call lots of witnesses from eastern Canada/Texas. VirtaMove is open to discussing the possibility of permitting witnesses who are located at places closer to Texas than to the NDCA and play those depositions at trial in the NDCA, but these witnesses may have been willing to travel a shorter distance to Texas to testify live.

**Peter Tong**

**Russ, August & Kabat**

4925 Greenville Avenue, Suite 200 | Dallas, Texas 75206

Main +1 310 826 7474 | [ptong@raklaw.com](mailto:ptong@raklaw.com) | [www.raklaw.com](http://www.raklaw.com)

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**From:** "Muenks, Melissa" <[Melissa.Muenks@BakerBotts.com](mailto:Melissa.Muenks@BakerBotts.com)>

**Date:** Friday, October 11, 2024 at 4:45 PM

**To:** Peter Tong <[ptong@raklaw.com](mailto:ptong@raklaw.com)>, "[rak\\_virtamove@raklaw.com](mailto:rak_virtamove@raklaw.com)" <[rak\\_virtamove@raklaw.com](mailto:rak_virtamove@raklaw.com)>

**Cc:** DL HPE-VirtaMove <[DL\\_HPE-VirtaMove@BakerBotts.com](mailto:DL_HPE-VirtaMove@BakerBotts.com)>, "EXT Doan, Jennifer (Amazon)" <[jdoan@haltomdoan.com](mailto:jdoan@haltomdoan.com)>, "EXT Thane, Josh (Amazon)" <[jthane@haltomdoan.com](mailto:jthane@haltomdoan.com)>

**Subject:** RE: VirtaMove v. HPE: Meet and Confer re. Motion to Transfer

Peter,

Thank you for the meet and confer today. We understand that plaintiff opposes our motion to transfer to NDCA, but that it believes there may be potential to negotiate a resolution to the issue whereby plaintiff would stipulate to transfer in exchange for some yet-to-be-specified concessions. We expect to receive your proposal today. If we do not hear from you today, we will proceed with filing our motion as opposed on Monday.

Regards,

Melissa

**From:** Peter Tong <[ptong@raklaw.com](mailto:ptong@raklaw.com)>

**Date:** October 8, 2024 at 5:31:41 PM CDT

**To:** "Deer, Emily" <[emily.deer@bakerbotts.com](mailto:emily.deer@bakerbotts.com)>, [rak\\_virtamove@raklaw.com](mailto:rak_virtamove@raklaw.com)

**Cc:** DL HPE-VirtaMove <[DL\\_HPE-VirtaMove@bakerbotts.com](mailto:DL_HPE-VirtaMove@bakerbotts.com)>, "EXT Doan, Jennifer (Amazon)" <[jdoan@haltomdoan.com](mailto:jdoan@haltomdoan.com)>, "EXT Thane, Josh (Amazon)" <[jthane@haltomdoan.com](mailto:jthane@haltomdoan.com)>

**Subject: Re: VirtaMove v. HPE: Meet and Confer re. Motion to Transfer**

[EXTERNAL EMAIL]

Hi Emily,

We are available to meet and confer, but before we do so, can you identify the evidence and witnesses that HPE intends to present at trial, as well as their locations? This will allow us to have a meaningful meet and confer.

**Peter Tong**

**Russ, August & Kabat**

4925 Greenville Avenue, Suite 200 | Dallas, Texas 75206  
Main +1 310 826 7474 | [ptong@raklaw.com](mailto:ptong@raklaw.com) | [www.raklaw.com](http://www.raklaw.com)

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**From:** "Deer, Emily" <[emily.deer@bakerbotts.com](mailto:emily.deer@bakerbotts.com)>  
**Date:** Monday, October 7, 2024 at 5:56 PM  
**To:** "[rak\\_virtamove@raklaw.com](mailto:rak_virtamove@raklaw.com)" <[rak\\_virtamove@raklaw.com](mailto:rak_virtamove@raklaw.com)>  
**Cc:** DL HPE-VirtaMove <[DL\\_HPE-VirtaMove@BakerBotts.com](mailto:DL_HPE-VirtaMove@BakerBotts.com)>, "EXT Doan, Jennifer (Amazon)" <[jdoan@haltomdoan.com](mailto:jdoan@haltomdoan.com)>, "EXT Thane, Josh (Amazon)" <[jthane@haltomdoan.com](mailto:jthane@haltomdoan.com)>  
**Subject:** VirtaMove v. HPE: Meet and Confer re. Motion to Transfer

Counsel,

HPE intends to file a motion to transfer to NDCA under § 1404. Please let us know your availability for a meet and confer tomorrow or Wednesday.

Best,

**Emily Deer**  
*Associate*

**Baker Botts L.L.P.**  
[emily.deer@bakerbotts.com](mailto:emily.deer@bakerbotts.com)  
T +1.214.953.6660  
M +1.214.926.2624  
2001 Ross Avenue, Suite 900  
Dallas, Texas 75201  
United States

**BAKER BOTTS**



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